

# TMMA Warrant Information Report



*March 21, 2016*

This report has been prepared by the Town Meeting Members Association to provide information to Town Meeting members concerning the articles of the warrants for Special Town Meeting 2016-3 and the Annual Town Meeting beginning March 21, 2016. TMMA thanks town officials, town staff, and members of boards and committees for their assistance in providing information for this report.

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George Burnell	Brian Heffernan	Barry Orenstein	Frank Sandy

For new and updated information, please refer to the  
TMMA website at

[www.LexingtonTMMA.org](http://www.LexingtonTMMA.org)

## **Conflict of Interest Guideline for Town Meeting Members**

In 1976, Town Meeting adopted the following non-binding Conflict of Interest Resolution:

***Resolved, that Town Meeting Members abstain from voting in any particular matter in which to his knowledge, he, his immediate family or partner, a business organization in which he is serving as officer, director, trustee, partner, or employee, or any person or organization with whom he is negotiating or has any arrangement concerning prospective employment, has any economic interest in the particular matter under consideration.***

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Please note that Town Meeting Members are specifically excluded from the responsibilities posed by the State conflict of interest statute, Chapter 268A.

### **Notes**

**Please note that all dollar amounts listed in this report are NOT final. The final dollar amounts will be provided in motions presented at the Annual Town Meeting starting on March 21.**

Also note that the information provided in this report was current as of the publication date; some circumstances may have changed since then. See the TMMA web site for new and updated information.

Also note that the entire text of the Annual Town Meeting Warrant is included in this report. The Warrant text appears at the beginning of the write-up for each article and appears in 10-point font. TMMA information appears in 12-point font.

***Special thanks to:***

***Christopher Bing for the cover artwork***

***Peet's Coffee and Tea for their generous donation of  
coffee and supplies for the edit session***

## **Table of Contents**

### **Warrant for Special Town Meeting 2016-3**

Article 2	Appropriate for Middle Schools ó Additions and Remodeling	í í í í í í	1
Article 3	PEG Access and Cable Related Fund Acceptance	í í í í í í í í í í	...6

### **Warrant for Annual Town Meeting**

Article 27	Establish Qualifications for Tax Deferrals	.....	6
Article 28	Accept Chapter 59, Section 2D of the MGL (Citizen Article)	.....	7
Article 30	Amend General Bylaws ó Demolition of Buildings	.....	7

## **Warrant for Special Town Meeting 2016-3**

### **ARTICLE 2**

### **APPROPRIATE FOR MIDDLE SCHOOLS – ADDITIONS AND REMODELING**

To see if the Town will vote to appropriate a sum of money for constructing, originally equipping and furnishing additions to the Clarke and Diamond Middle Schools and for remodeling, reconstructing and making extraordinary repairs to the existing Middle Schools, including original equipment and furnishings, and for the payment of all other costs incidental and related thereto; determine whether the money shall be provided by the tax levy, by transfer from available funds, by borrowing, possibly contingent on a referendum pursuant to MGL c.59, §21C, or by any combination of these methods; determine if the Town will authorize the Selectmen to apply for, accept, expend and borrow in anticipation of state aid; or act in any other manner in relation thereto.

*(Inserted by the Board of Selectmen at the request of the School Committee)*

FUNDS REQUESTED: \$65,826,000

DESCRIPTION: It is anticipated that there will be two parts to the motion for this article. The first part will seek an appropriation for renovation work at Clarke and Diamond Middle Schools (Phase 1) that, due to existing enrollment, it is imperative that the work be completed this summer, before the beginning of the 2016/2017 school year. The second part will be for the design and construction of renovations and additions to Clarke and Diamond Middle Schools (Phase 2) to address anticipated school enrollments. Phase 2 work will be completed over the next 18 months for the Clarke School and 30 months for the Diamond School. While it is anticipated that both Phase 1 and 2 of this project will be included as part of a Debt Exclusion question submitted to the voters later this spring, the Phase 1 work needs to be completed in time for the 2016/2017 school year. The contract for this work, therefore, will need to be signed the first week of April, before the likely debt exclusion vote. The contract for the Phase 2 work will go forward only if the debt exclusion vote is approved.

### **TMMA Overview**

Due to rising enrollment, the School Committee has recommended building projects at both Clarke and Diamond Middle Schools to accommodate the number of students and to improve aging facilities in need of updates in two phases.

**Phase 1:** \$4,105,000 of the requested appropriation will not be contingent on the expected debt exclusion as contracts will need to be signed in April for the work to begin and be completed before September 2016. The scope of the project will include two additional classrooms via space mining and removal of caulk contaminated with PCBs at Clarke and create teacher planning space at Diamond.

**Phase 2:** New construction and site work to be completed by September 2017. The HVAC work will continue and be completed in 2018.

SMMA Lexington Public Schools Master Plan @ <http://bit.ly/1pj8OCi>

DiNisco presentation on Clark and Diamond @ <http://bit.ly/1J4JS9W>

DiNisco presentation on Clark and Diamond update @ <http://bit.ly/1R9W5xP>

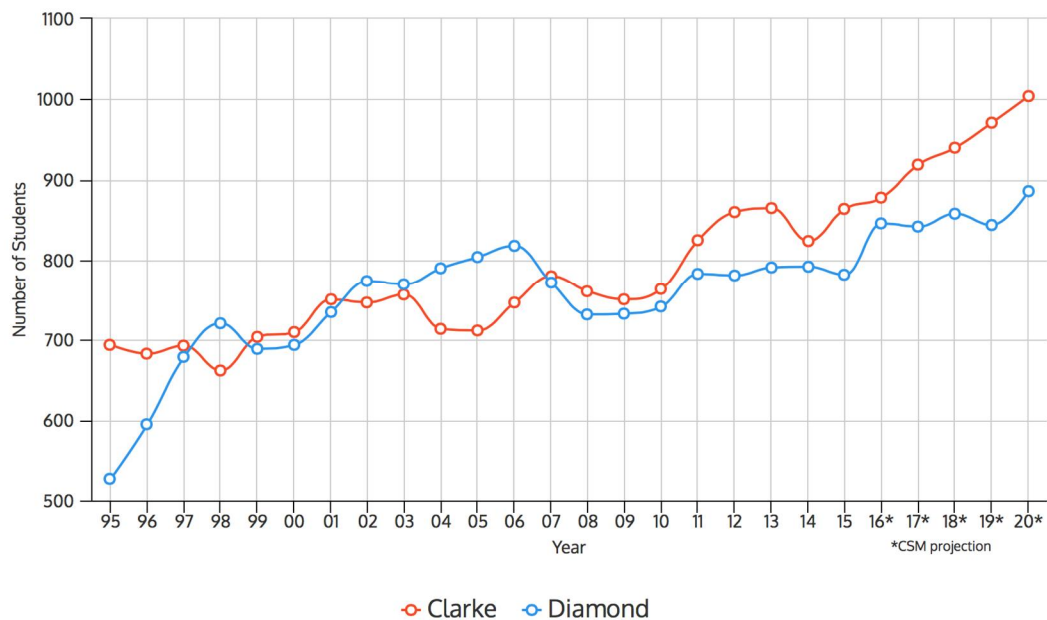
Peer Review report on Clarke and Diamond Projects by Hill @ <http://bit.ly/1QKGldm>

Enrollment Working Group report @ <http://bit.ly/1UPm1v5>

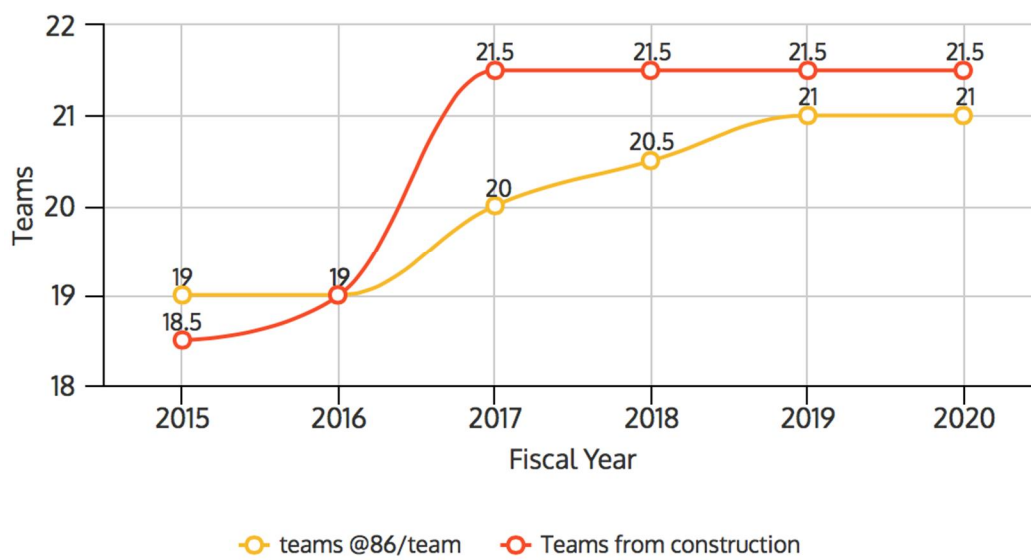
Potential impact to the curriculum and students if space is not increased at Clarke and Diamond:

- Team size could rise to 99 with a class size 30 or more
- Cafeterias are small and may require adding a 4<sup>th</sup> lunch period
- Potential loss of educational offerings and programs
- Increase in out-of-district SPED placements
- Risk of a reduction in program quality and excellence

Middle School Enrollment 1995-2020



Total Middle School Teams



## What Is a Team?

A team is a team of teachers who have the same group of students every day. It is designed to be a bridge between the elementary and the high school level to provide a more personalized learning environment to ensure the students receive the social, emotional and academic support needed to succeed academically. Many students describe it as a small school within a school.

The target size of each team is 86, but will rise as enrollment grows without additional classroom space.

## Clarke Middle School Renovation and Addition

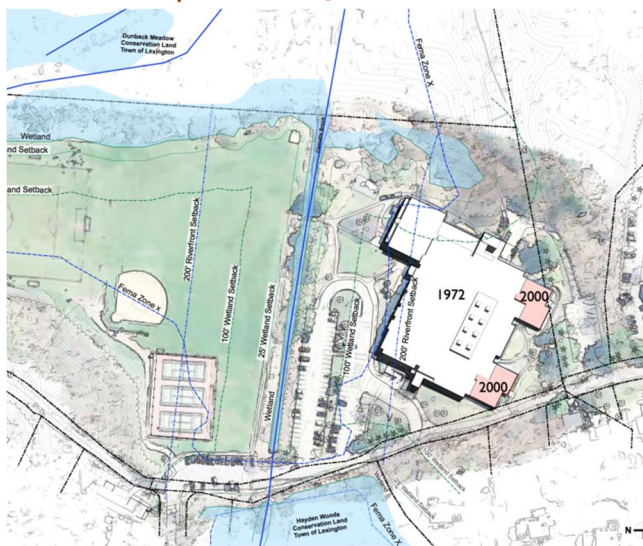
Built in 1972, and with an addition in 2000, it has an existing 128,600 GSF which would be expanded to 146,000 GSF. Current enrollment (10/1/15) is 865 students where the comfortable capacity is 810 students.

**Total Cost of Clarke Project: \$21,675,000**

### Included improvements

- Increase teams from 9 to 10.5
- Increase General Education classrooms from 31 to 32
- Increase science classrooms from 9 to 11
- Add 3 classrooms for art, music, drama and engineering
- Add more and more appropriate space for Special Education
- Add 1 classroom to ELL program
- ILP & DLP programs add 2 classrooms
- Partitions replaced with permanent walls with improved sound attenuation
- Significantly improve traffic pattern and safety for buses, cars and pedestrians via site plan

## Clarke | History



## Clarke | Proposed Site Plan



### **Diamond Middle School Renovation and Addition**

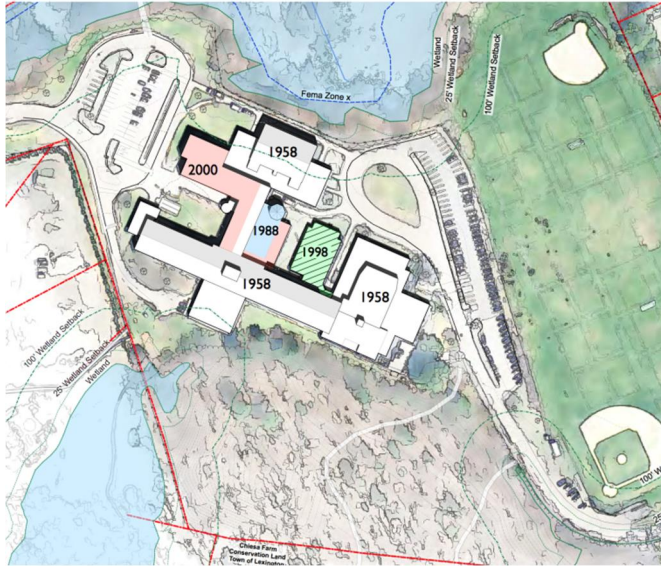
Built in 1958 and with renovations/additions in 1988 and 2000, it has an existing 140,000 GSF which would be expanded to 175,600 GSF. Current enrollment (10/1/15) is 782 students with a similar capacity as Clarke at 810-828 students.

**Total Cost of Diamond Project: \$44,940,000**

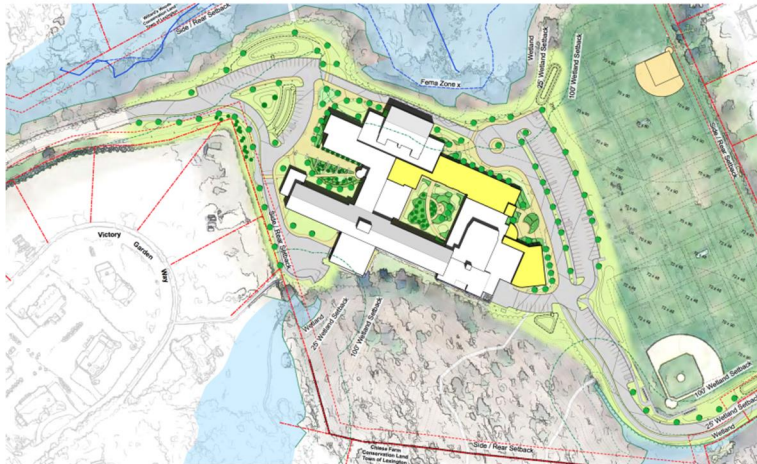
### **Included improvements**

- Increase teams from 9 to 11
- Increase General Education classrooms from 36 to 38
- Increase science classrooms from 9 to 12
- Add 3 classrooms for art, music, drama and engineering
- Add more and more appropriate space for Special Education
- Add 1 classroom to ELL program
- Removal of 6 aging and deteriorating modular classrooms
- Enlarged cafeteria to accommodate larger student body
- Significantly improve traffic pattern and safety for buses, cars and pedestrians via site plan
- HVAC replacement with 2 pipe induction system for heat and A/C
- Additional teacher planning space

## Diamond | History



## Diamond | Proposed Site Plan



### **ARTICLE 3                    PEG ACCESS AND CABLE RELATED FUND ACCEPTANCE**

To see if the Town will accept General Laws Chapter 44, Section 53F¾, which establishes a special revenue fund known as the PEG Access and Cable Related Fund, to reserve cable franchise fees and other cable-related revenues for appropriation to support PEG access services and oversight and renewal of the cable franchise agreement, the fund to begin operation for fiscal year 2017 which begins on July 1, 2016, and to transfer any balance from the existing PEG Access Fund to this new special revenue fund; or act in any other manner in relation thereto.

*(Inserted by the Board of Selectmen)*

DESCRIPTION: A new State law (MGL chapter 44, Section 53F¾) has recently been approved that addresses the accounting for Public, Educational and Governmental (PEG) Cable Access accounts. Town Meeting acceptance of this statute is required. This new fund will function in the same manner as the Revolving Fund that the Town has been using for many years. Further, Town Meeting must approve to transfer the balance in the existing Revolving Fund to this new Fund.

### **TMMA Overview**

The article will be indefinitely postponed.

### **Warrant for the Annual Town Meeting**

### **ARTICLE 27                    ESTABLISH QUALIFICATIONS FOR TAX DEFERRALS**

To see if the Town will vote to adjust the current eligibility limits for property tax deferrals under Clause 41A of Section 5 of Chapter 59 of the Massachusetts General Laws as authorized by Chapter 190 of the Acts of 2008; or act in any other manner in relation thereto.

*(Inserted by the Board of Selectmen)*

DESCRIPTION: Chapter 190 of the Acts of 2008 allows the Town Meeting, with the approval of the Board of Selectmen, to make adjustments to the current deferral eligibility limits.

### **TMMA Overview**

The General Court (State Legislature) has granted the Town of Lexington latitude in setting qualifications for real property tax deferrals. This article will ask to increase the maximum qualifying gross income amount to \$70,000 from the current limit of \$65,000.

### **TMMA Questions:**

**Question #1:** Do increases in eligibility limits increase the number of residents seeking deferrals?

**Answer #2:** Records show that increases in eligibility limits have had little effect on the number of homeowners utilizing the program.

### **For Further information:**

Vicki Blier 781-862-1804

Pat Costello 781-862-6435

## ARTICLE 28

**ACCEPT CHAPTER 59, SECTION 2D OF THE MGL (Citizen Article)**

To see if the town will vote to accept Chapter 59 Section 2D of the General Laws of Massachusetts to allow the taxation of improved real estate based on the value at issuance of occupancy permit; pro rata; or act in any other manner in relation thereto.

*(Inserted by Gloria Bloom and 9 or more registered voters)*

DESCRIPTION: This article will permit the town to assess and tax improved real estate (where the property's value has increased by 50% or more) as of the date a certificate of occupancy is issued, rather than waiting until the beginning of the next fiscal year.

## TMMA Overview

This article will be indefinitely postponed.

## ARTICLE 30

## AMEND GENERAL BYLAWS - DEMOLITION OF BUILDINGS

To see if the Town will vote to amend Chapter 19, Article 1, of the General Bylaws to ensure that structures in the Lexington Historic Districts are included in the Demolition by Neglect regulation and Enforcements and Remedies provisions, Sections 19-4 and 19-5, of said Article 1, or act in any other manner in relation thereto.

*(Inserted by the Board of Selectmen at the Request of the Historic Districts Commission)*

**DESCRIPTION:** This warrant article seeks to resolve the paradox of buildings in the Historic Districts having fewer protections than those outside the Districts in certain situations. First, buildings and structures in the Historic Districts are vulnerable to demolition by neglect even while historically or architecturally significant buildings outside the Historic Districts are protected through the Town's Demolition of Buildings bylaw, Chapter 19. Historic Districts are intended, among other things, to prevent demolition of structures in historic districts unless the Historic Districts Commission determines through a public hearing process that the demolition is appropriate. At present, however, the procedures described in Section 19-4, which seek to prevent building decay that could lead to de facto destruction through neglect, exclude buildings in the Historic Districts. In addition, the enforcement and remedies sections of the Historic Districts legislation are less comprehensive than those set forth in Section 19-5 of Chapter 19.

## TMMA Overview

Approval of this article will provide the same protections to buildings in the Historic Districts as to other buildings in the rest of town under Chapter 19, Section 19-4 of the Code of Lexington.

## TMMA Questions

**Question #1:** Has this been a problem?

**Answer #1:** Yes, there have been three buildings in the last few years that have been left unprotected and/or unattended.